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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

10 DONNIE WALTON,
11 Plaintiff

12 vs.

13 CITY OF LOS ANGELES; OFFICER
14 MARULLO (#33567), an individual;
15 OFFICER LEONIDAS (#37743), an
16 individual, and DOES 1 TO 50,
INCLUSIVE,

Defendants.

CASE NO. CV11-02316 RJT (JCGx)

Hon. Robert J. Timlin, Ctrm. 4

Hon. Mag. Jay C. Gandhi, "A" on 8th Fl.

AT
[PROPOSED] JUDGMENT
AFTER TRIAL BY JURY

TRIAL DATE: July 9, 2013
TIME: 9:00 a.m.
CRTM: 4

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19 TO THE HONORABLE COURT, TO PLAINTIFF AND TO HIS COUNSEL
20 OF RECORD THEREIN:

21 On July 9, 2013, the foregoing matter was called for trial in Courtroom 4 of the
22 United States District Court, the Honorable Robert J. Timlin presiding. The parties
23 answered ready for Trial on July 9, 2013, and a panel of jurors was called and sworn on that
24 date.

25 The case was tried to the jury and on July 15, 2013, the case was then submitted to
26 the jury for deliberation.

27 On July 15, 2013, the jury returned a unanimous verdict as follows:

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1 SPECIAL VERDICT

2 (Plaintiff Donnie Walton v. Defendant

3 Officer Samuel Marullo)

4 We, the jury in the above-entitled action, unanimously answer the following
5 questions as our special verdict:

6 EXCESSIVE USE OF FORCE

7 Question No. 1:

8 Has Plaintiff Donnie Walton proved by a preponderance of the evidence that
9 Defendant Samuel Marullo deprived him of his Fourth Amendment right by using excessive
10 force during the detention and arrest of Plaintiff?

11 _____ Yes _____ X _____ No

12 If you answered "Yes" to Question No. 1, please answer Question No. 2. If you
13 answered "No" to Question No. 1, please go to Question No. 6.

14
15 Question No. 2:

16 Has Plaintiff Donnie Walton proved by a preponderance of the evidence that
17 Defendant Samuel Marullo's conduct was the cause of harm to Plaintiff? ?

18 _____ Yes _____ No

19 If you answered "Yes" to Question No. 2, please answer Question No. 3. If you
20 answered "No" to Question No. 2, please go to Question No. 6.

21
22 Question No. 3:

23 What is the total amount of compensatory damages Plaintiff has proved he has
24 suffered by a preponderance of the evidence as a result of the use of excessive force on him
25 by Defendant Samuel Marullo:

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1 If in answer to Question No. 3, you have not awarded Plaintiff Donnie Walton any
2 compensatory damages, please answer Question No. 4. If in answer to Question No. 3, you
3 did award Plaintiff Donnie Walton compensatory damages, proceed to Question 5.

4
5 Question No. 4:

6 What is the amount of nominal damages suffered by a Plaintiff Donnie Walton as a
7 result of the use of excessive force on him by Defendant Samuel Marullo:

8 \$ _____

9 Please proceed to Question No. 5.

10
11 Question No. 5:

12 Has Plaintiff proved by a preponderance of the evidence that Defendant Samuel
13 Marullo's conduct was malicious, oppressive, or in reckless disregard of Plaintiff Donnie
14 Walton's Fourth Amendment right to be free from the use of excessive force on him:

15 _____ Yes _____ No

16 Please proceed to Question No. 6.

17
18 **BATTERY**

19 Question No. 6:

20 Has Plaintiff Donnie Walton proved by a preponderance of the evidence that
21 Defendant Samuel Marullo used unreasonable force during the detention and arrest of
22 Plaintiff?

23 _____ Yes _____ X No

24 If you answered "Yes" to Question No. 6, please answer Question No. 7. If you
25 answered "No" to Question No. 6, please have your presiding juror sign and date the Verdict
26 Form.

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1 Question No. 7

2 Has Plaintiff Donnie Walton proved by a preponderance of the evidence that
3 Defendant Samuel Marullo's conduct was the cause of harm to Plaintiff? ?

4 _____ Yes _____ No

5 If you answered "Yes" to Question No. 7, please answer Question No. 8 If you
6 answered "No" to Question No. 7, please have your presiding juror sign and date the Verdict
7 Form.

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9 Question No. 8:

10 What is the total amount of compensatory damages Plaintiff has proved he has
11 suffered by a preponderance of the evidence as a result of the use of unreasonable force on
12 him by Defendant Samuel Marullo:

13 \$ _____

14 Please proceed to Question 9.

15
16 Question No. 9:

17 Has Plaintiff proved by a clear and convincing evidence that Defendant Samuel
18 Marullo's engaged in conduct constituting a battery of Plaintiff with malice, oppression or
19 fraud:

20 _____ Yes _____ No

21 Please have your presiding juror sign and date the Verdict Form.

22
23 Dated: July 15, 2013

Redacted Verdict Form as to

24 *Foreperson Signature* _____

25 FOREPERSON

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1 SPECIAL VERDICT

2 (Plaintiff Donnie Walton v. Defendant
3 Officer Mario Leonidas)

4 We, the jury in the above-entitled action, unanimously answer the following
5 questions as our special verdict:

6 EXCESSIVE USE OF FORCE

7 Question No. 1:

8 Has Plaintiff Donnie Walton proved by a preponderance of the evidence that
9 Defendant Mario Leonidas deprived him of his Fourth Amendment right by using excessive
10 force during the detention and arrest of Plaintiff?

11 _____ Yes _____ X No

12 If you answered "Yes" to Question No. 1, please answer Question No. 2. If you
13 answered "No" to Question No. 1, please go to Question No. 6.

14
15 Question No. 2:

16 Has Plaintiff Donnie Walton proved by a preponderance of the evidence that
17 Defendant Mario Leonidas's conduct was the cause of harm to Plaintiff? ?

18 _____ Yes _____ No

19 If you answered "Yes" to Question No. 2, please answer Question No. 3. If you
20 answered "No" to Question No. 2, please go to Question No. 6.

21
22 Question No. 3:

23 What is the total amount of compensatory damages Plaintiff has proved he has
24 suffered by a preponderance of the evidence as a result of the use of excessive force on him
25 by Defendant Mario Leonidas:

26 \$ _____

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1 If in answer to Question No. 3, you have not awarded Plaintiff Donnie Walton any
2 compensatory damages, please answer Question No. 4. If in answer to Question No. 3, you
3 did award Plaintiff Donnie Walton compensatory damages, proceed to Question 5.
4

5 Question No. 4:

6 What is the amount of nominal damages suffered by a Plaintiff Donnie Walton as a
7 result of the use of excessive force on him by Defendant Mario Leonidas:

8 \$ _____

9 Please proceed to Question No. 5.
10

11 Question No. 5:

12 Has Plaintiff proved by a preponderance of the evidence that Defendant Mario
13 Leonidas's conduct was malicious, oppressive, or in reckless disregard of Plaintiff Donnie
14 Walton's Fourth Amendment right to be free from the use of excessive force on him:

15 _____ Yes _____ No

16 Please proceed to Question No. 6.
17

18 **BATTERY**

19 Question No. 6:

20 Has Plaintiff Donnie Walton proved by a preponderance of the evidence that
21 Defendant Mario Leonidas used unreasonable force during the detention and arrest of
22 Plaintiff?

23 _____ Yes _____ X No

24 If you answered "Yes" to Question No. 6, please answer Question No. 7. If you
25 answered "No" to Question No. 6, please have your presiding juror sign and date the Verdict
26 Form.

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1 Question No. 7

2 Has Plaintiff Donnie Walton proved by a preponderance of the evidence that
3 Defendant Mario Leonidas's conduct was the cause of harm to Plaintiff? ?

4 _____ Yes _____ No

5 If you answered "Yes" to Question No. 7, please answer Question No. 8 If you
6 answered "No" to Question No. 7, please have your presiding juror sign and date the Verdict
7 Form.

8
9 Question No. 8:

10 What is the total amount of compensatory damages Plaintiff has proved he has
11 suffered by a preponderance of the evidence as a result of the use of unreasonable force on
12 him by Defendant Mario Leonidas:

13 \$ _____

14 Please proceed to Question 9.

15
16 Question No. 9:

17 Has Plaintiff proved by a clear and convincing evidence that Defendant Mario
18 Leonidas's engaged in conduct constituting a battery of Plaintiff with malice, oppression or
19 fraud:

20 _____ Yes _____ No

21 Please have your presiding juror sign and date the Verdict Form.

22
23 Dated: July 15, 2013

Redacted Verdict Form as to

Foreperson Signature _____

FOREPERSON

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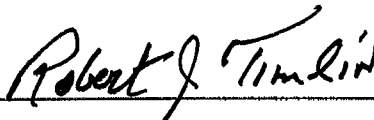
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2 **ORDER**

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4 Therefore, IT IS HEREBY ORDERED, DECREED AND ADJUDGED that
5 judgment on the merits be entered in favor of Defendants, **CITY OF LOS ANGELES,**
6 **OFFICER SAMUEL MARULLO and OFFICER MARIO LEONIDAS,** and
7 against Plaintiff, DONNIE WALTON, and that the Plaintiff take nothing; and that
8 Defendants **CITY OF LOS ANGELES, OFFICER SAMUEL MARULLO and**
9 **OFFICER MARIO LEONIDAS,** be entitled to recover their costs from the Plaintiff
10 in accordance with Local Rule 54.
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13 Dated: 10/8/13



14 **HONORABLE ROBERT J. TIMLIN**

15 United States District Judge
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